



## Mars Khaimov Law, PLLC

108-26 64th Avenue, Second Floor

Forest Hills, NY 11375

Tel.: 929.324.0717

Fax: 929.333.7774

E-mail: mars@khaimovlaw.com

# MEMO ENDORSED

### VIA ECF

Honorable Judge Valerie Caproni  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 09/25/2023

September 24, 2023

Re: *1:23-CV-4453 Toro v. L&M Footwear, Inc.*

### Status Letter and Request for Adjournment of Conference

Dear Judge Caproni:

Plaintiff's counsel submits this letter-motion to seek an adjournment of the initial case management conference and associated submission deadlines. The conference is currently scheduled for September 29, 2023 and the pretrial documents are past due. Plaintiff has not yet been in communication with the Defendant, and will seek a default judgment if they do not appear by the next conference date. As such, Plaintiff proposes a 60-day adjournment and a new date of November 29th, 2023, or a date more convenient to the Court. This is the first time this relief is being requested.

We thank the Court for its attention and consideration in this matter.

The initial pretrial conference is ADJOURNED *sine die*. Pursuant to Federal Rule of Civil Procedure 4(m), Plaintiff must effectuate service of process within 90 days of the filing. The Complaint was filed on May 26, 2023, but Plaintiff has not filed an affidavit of service, and the Defendant has not appeared. Not later than **September 27, 2023**, Plaintiff must show cause why this action should not be dismissed without prejudice for failure to serve. If Plaintiff has timely served Defendant, and Defendant fails timely to answer or otherwise respond to the Complaint by the September 29, 2023, deadline, Plaintiff must move for an order to show cause why default judgment should not be granted in accordance with the Undersigned's Individual Practice by **October 3, 2023**.

Plaintiff's adjournment request was made three days after the parties' pre-conference submissions were due. Plaintiff's counsel, who has already been sanctioned and admonished numerous times by the Undersigned, is warned that if he continues to flout the Court's orders and deadlines, the Court may again impose sanctions.

SO ORDERED.

09/25/2023

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

*/s/ Mars Khaimov*  
Mars Khaimov, Esq.  
Attorney for Plaintiff

